

## Draft Accessory Dwelling Changes – October 17, 2016

### 5.9 Accessory Dwellings

**5.9.1 Permitted Use** - In accordance with the Act [§4412(1)(E)], one accessory dwelling within or appurtenant to a single-family dwelling, or within or appurtenant to an existing accessory structure to the single-family dwelling, may be allowed as a permitted use to a single-family dwelling, except within the Flood Hazard Overlay District. New Accessory Dwellings are prohibited within the Flood Hazard Overlay District, subject to the issuance of a Zoning Permit by the Administrative Officer, and all of the following requirements:

- a) Either the single-family dwelling or the accessory dwelling must be occupied by the owner or by the owner's spouse, civil union partner, parents or legal children.
- b) The accessory dwelling must be at all times owned by the same party that owns the single family dwelling.
- c) The accessory dwelling shall be an efficiency, ~~or one-bedroom~~, or two-bedroom apartment that is clearly subordinate to the single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation and sanitation.
- d) The accessory dwelling shall not exceed ~~30%-75%~~ of the total habitable floor area of the single-family dwelling, or up to 1,000 square feet or whichever is less; unless 30% of the total habitable square footage is greater in which case that will be the maximum, as determined prior to the installation or construction of the accessory dwelling.
- e) The property shall have sufficient wastewater capacity.
- f) The accessory dwelling shall meet all applicable setback, coverage and parking requirements for the principal dwelling as specified in these Zoning Regulations. If the accessory dwelling is to be located in a nonconforming structure, it shall not increase the degree of nonconformance, except in accordance with Section 4.7. ~~Error! Reference source not found.~~

**5.9.2 Conditional Use** - Conditional use approval by the DRB under Section 5.6 ~~Error! Reference source not found.~~ shall be required for an accessory dwelling for which any of the following also apply:

- a) the accessory dwelling is to be located within a new single-family dwelling in a district in which conditional use review is required for single-family dwellings,
- ~~b) the accessory dwelling is to be located within a new or expanded accessory structure,~~
- ~~c) the accessory dwelling will increase the height or floor area of the existing single-family dwelling, or~~
- ~~d) the accessory dwelling will require an increase in the dimensions of the parking area.~~

**5.9.3 Conditions of Approval** – In addition to any other conditions of approval, the Zoning Permit issued for an accessory dwelling shall clearly state that the dwelling is allowed only as an accessory to the primary, principal single-family residential use of the property and as such shall be retained in common ownership. An accessory dwelling may be converted and/or subdivided for conveyance or use as a principal dwelling only if it is found to meet all requirements of applicable municipal and state regulations for a two-family dwelling (for an attached unit) or for two single-family dwellings (for a unit in an accessory structure), including all lot, density and dimensional requirements for the zoning

**Commented [PA1]:** Examples:

1000 sf house = accessory apartment 750sf  
2000 sf house = accessory apartment 1000sf  
3000 sf house = accessory apartment 1000sf  
4000 sf house = accessory apartment 1200sf  
5000 sf house = accessory apartment 1500sf

**Commented [PA2]:** Can this be simpler? Any suggestions?

district in which it is located. All applicable municipal permits and approvals shall be obtained prior to conversion or conveyance as a principal single-family dwelling.

## 7.2 Specific

For the purpose of these Zoning Regulations, certain words and terms are hereby defined as follows:

**Accessory Dwelling** - One accessory dwelling per lot includes efficiency ~~or~~ one-bedroom ~~or~~ two bedroom apartment that is located within or appurtenant to, and is clearly subordinate to, a single-family dwelling; is on the same lot as the single-family dwelling; has the facilities and provisions necessary for independent living, including sleeping, food preparation, and sanitation; and that also meets the requirements of these Zoning Regulations (see Section 5.9 ~~005-9~~), in accordance with the Act (§4412).

